

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:19-CV-00542-MOC-DSC**

**REMI HOLDINGS LLC,**

**Plaintiff,**

**v.**

**WILLIAM THOMAS NEATHAMER III,  
BRIAN GIBBS, MELISSA HUGHES,  
AND THOMAS AND ASSOCIATES  
LLC,**

**Defendants.**

**MEMORANDUM AND ORDER**

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**THIS MATTER** is before the Court on “Remi Holdings LLC and Daniel Schuster’s Motion to Compel the Deposition of Brian Gibbs” (document # 41) filed November 13, 2020 and the parties associated briefs and exhibits. See documents ## 42-44. This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and is now ripe for the Court’s consideration.

Plaintiff and Counter-Defendant Remi Holdings LLC and Counter-Defendant Daniel Schuster seek an order compelling the deposition of Defendant Brian Gibbs. For the reasons stated in the Motion and reply brief, the Court will grant the Motion.

**THEREFORE IT IS ORDERED** that:

1. “Remi Holdings LLC and Daniel Schuster’s Motion to Compel the Deposition of Brian Gibbs” (document # 41) is **GRANTED**. Defendant Brian Gibbs shall appear for his deposition

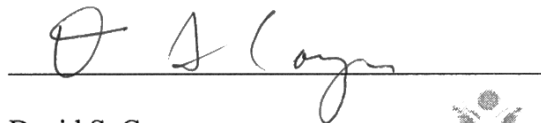
within thirty days of this Order at a date and time mutually agreeable to the parties. If the parties are unable to agree, the deposition shall take place at the date and time noticed by Plaintiff.

2. The parties will bear their own expenses at this time.

3. The Clerk is directed to send copies of this Order to counsel of record and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: January 7, 2021

A handwritten signature in dark ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

